

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:09-CR-227-F

UNITED STATES OF AMERICA )  
v. )  
THOMAS RAY NICHOLS )

FINAL ORDER OF FORFEITURE  
IN RESPECT TO PERSONAL PROPERTY

WHEREAS, on April 27, 2011, this Court entered a Preliminary Order of Forfeiture as to Substitute Assets pursuant to the provision of 18 U.S.C. § 981(a)(1)(C) (as made applicable by Title 28, United States Code, Section 2461(c)), based upon the defendant pleading guilty to 18 U.S.C. § 371, and agreeing to the forfeiture of the personal property listed in the April 27, 2011 Preliminary Order of Forfeiture as to Substitute Assets, to wit:

- (a) A 2001 CAT Pallet Jack GS
- (b) \$922.00 in U. S. currency which represents the cash value of the miscellaneous Susan B. Anthony coins and gold coins seized from Defendant Nichols, and
- (c) \$33,805.25 in U. S. currency.

AND WHEREAS, the United States published notice of this forfeiture at the www.forfeiture.gov web site for at least 30 consecutive days, between June 10, 2011 and July 9, 2011, as required by Rule G(4) (a) (iv) (C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions. Said published notice advised all third parties of their right to

petition the court within sixty (60) days from the first day of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, it appears from the record that no claims, contested or otherwise, have been filed for the personal property described in this Court's April 27, 2011 Preliminary Order of Forfeiture;

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That the personal property listed in the April 27, 2011 Preliminary Order of Forfeiture as to Substitute Assets are hereby FORFEITED to the United States. Specifically, that personal property is:

- (a) A 2001 CAT Pallet Jack GS;
- (b) \$922.00 in U. S. currency which represents the cash value of the miscellaneous Susan B. Anthony coins and gold coins seized from Defendant Nichols, and
- (c) \$33,805.25 in U. S. currency.

The United States Department of Justice is directed to dispose of the personal property according to law.

2. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

3. That this matter shall remain stayed as to the real property which is also its subject until January 23, 2012, as

provided previously by the Court in its Order of October 24, 2011.

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED.

This, the 30<sup>th</sup> of day November, 2011.

James C. Fox

JAMES C. FOX

SENIOR UNITED STATES DISTRICT JUDGE